

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BUDDY PARKER,

Plaintiff,

vs.

**CAROLYN W. COLVIN, Acting
Commissioner of Social Security,**

Defendant.

8:15CV186

ORDER

This matter is before the court after a review of the court file and pursuant to NECivR 41.2, which states in pertinent part: "At any time, a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution." Further, Federal Rule of Civil Procedure 4(m) establishes a 120-day time limit for service of process on any defendant in a civil case, absent a showing of good cause.

In this case the complaint was filed on May 28, 2015. **See** Filing No. 1. The court granted the plaintiff's motion to proceed in forma pauperis. **See** Filing No. 4. The plaintiff sought summonses and the court issued them. **See** Filing Nos. 7-9. The plaintiff has initiated no other action in this matter. There is no evidence in the record the plaintiff served process on the defendant. The deadline for service of process expired on or about September 25, 2015. The defendant has not made an appearance. It remains the plaintiff's duty to go forward in prosecuting the case. Under the circumstances, the plaintiff must make a showing of good cause for the failure of timely service or the action must be dismissed against the defendant. Upon consideration,

IT IS ORDERED:

The plaintiff has until the close of business on **October 8, 2015**, to file with the Clerk of Court evidence of service or show cause why this case should not be dismissed as against the defendant for failure to prosecute.

Dated this 29th day of September, 2015.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge